

UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS

LOUIS E. MCBRIDE,)	
Plaintiff)	
)	Civil Action
V.)	
)	No. 05-11664-GAO
WOODS HOLE, MARTHA'S)	
VINEYARD AND NANTUCKET)	
STEAMSHIP AUTHORITY, and)	
LAFLEUR CRANE SERVICE, INC.,)	
Defendants)	
)	

PLAINTIFF'S MOTION TO CONTINUE MEDIATION

NOW COMES the Plaintiff, and states as follows:

1. This case is scheduled for mediation on January 4, 2006.
2. The Plaintiff was injured on June 24, 2004, when he was hit from behind by a pickup truck driven by an employee of Defendant Lafleur. The Plaintiff was in the course of his employment with the Defendant Steamship Authority at the time.
3. The Plaintiff suffered a back injury which has proven very difficult to diagnose. He has been suffering significant back pain since the accident, and pain in his legs since the fall, 2004. He has not been able to work since the accident. He treated for some time with various neurologists at Beth Israel for some time, and then came under the care of Dr. Richard Tyler, a well known neurologist at Brigham & Womens Hospital, in November, 2005.
4. Despite numerous MRIs and MRAs (magnetic resonance angiograms), Dr. Tyler has been unable to establish a final diagnosis. At this point, Dr. Tyler has recognized that the Plaintiff has a pre-existing condition of a Chiari malformation (defect in the cerebellum), as well as a spinal cord lesion of the cervical spine and possible spinal vascular malformation. Dr. Tyler

has been working for the last year to establish exactly what is causing the Plaintiff's symptoms and whether that is in fact causally related to the accident. He has also been investigating whether the accident aggravated or changed the Plaintiff's Chiari malformation in any way.

5. Dr. Tyler's most current thinking is that a spinal angiogram will help him in his diagnosis, and referred the Plaintiff to the Lahey Clinic for the angiogram. It was originally scheduled for mid-December, but the Plaintiff just received word that it was rescheduled to mid-February due to the doctor's schedule. Dr. Tyler will thus not have a final opinion on the Plaintiff's condition until approximately the end of February.

6. Accordingly, the Plaintiff requests that the mediation be rescheduled to some time in April because the value of the Plaintiff's case is somewhat up in the air. The Plaintiff has approximately \$100,000 of medical bills, but there still is no exact diagnosis. Further, once the test is done and Dr. Tyler arrives at a conclusion (assuming that he does), the Defendants may want to have the Plaintiff reexamined by their physician, or at the very least have their physician review all of the most recent medical records so that he can update his opinion if necessary.

7. The parties further request that the discovery deadline be extended until February 28, 2007.

8. The parties request that the Plaintiff's expert disclosure be due on March 9, 2007 and defendants' expert disclosures be due on March 30, 2007.

9. The Plaintiff believes that justice and equity support this request, and is not filing it for the purpose of delay. The Defendants assent to this motion.

WHEREFORE, the Plaintiff respectfully requests that the mediation currently scheduled for January 4 be continued until some time in April, and that the discovery and expert disclosure

deadlines be continued as set forth above.

Respectfully submitted for the
the Plaintiff, Louis E. McBride,
by his attorney,

/s/ David J. Berg, Esq.
David J. Berg, Esq.
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CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the within document with the Clerk of the Court using the CM/ECF system which will send notification of such filing(s) to all counsel of record.

/s/ David J. Berg, Esq.
David J. Berg, Esq.
Latti & Anderson LLP
30-31 Union Wharf
Boston, MA 02109
617-523-1000

Dated: December 15, 2006